SUPREME COURT, U. S.

FILED

MAR 15 1972

MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1971

No. 71-492

LLOYD CORPORATION, LTD.,
Petitioner,

v.

DONALD M. TANNER, ET AL.,
Respondents.

On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit

---

OPPOSITION OF PETITIONER TO JOINT MOTION FOR LEAVE TO ENGAGE IN ORAL ARGUMENT

GEORGE BLACK, JR.
ROBERT J. MILLER
BLACK, KENDALL, TREMAINE, BOOTHE & HIGGINS
520 S.W. Sixth Avenue
Portland, Oregon 97204

JOHN H. PICKERING
TIMOTHY B. DYK
WILMER, CUTLER & PICKERING
900 17th Street, N.W.
Washington, D. C. 20006

Counsel for Petitioner

WILSON - EPES PRINTING CO., INC. - RE 7-6002 - WASHINGTON, D. C. 20001

IN THE

Supreme Court of the United States

OCTOBER TERM, 1971

No. 71-492

LLOYD CORPORATION, LTD.,
Petitioner,

v.

DONALD M. TANNER, ET AL.,
Respondents.

On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit

---

OPPOSITION OF PETITIONER TO JOINT MOTION FOR LEAVE TO ENGAGE IN ORAL ARGUMENT

Pursuant to Rule 44(7) of the Rules of this Court, Homart Development Co. and Roger Jon Diamond, the petitioner and principal respondent, respectively, in *Homart Development Co.* v. *Diamond, et al.*, No. 1469, October Term, 1970, have filed a joint motion for leave to engage in oral argument in this case as *amici curiae.*

Petitioner opposes this motion for the following reasons:

1. The principal basis of the motion is the interest of movants in their own case, No. 1469, October Term, 1970. This Court is, of course, familiar with the interests and positions of movants, having considered and denied the petition for certiorari in their case, 402 U.S.

988 (1971), and two subsequent joint applications for rehearing of that denial (joint petition for rehearing denied October 12, 1971, 404 U.S. 874, and joint motion for leave to file second petition for rehearing denied March 6, 1972, 40 U.S.L.W. 3432).

2. In addition, movant Homart has submitted a motion for leave to file a brief *amicus curiae* and brief *amicus curiae* in this case, and movant Diamond states that he also intends to submit a similar motion and brief (motion, p. 1, n.1).

3. In view of these circumstances, Petitioner believes that oral argument by movants is neither necessary nor appropriate, particularly since it appears from their motion that they are interested in arguing the circumstances of their own case which this Court has thrice declined to hear. We also note that Rule 44(7) states that motions such as the instant one "are not favored."

For the reasons stated, the instant joint motion for leave to engage in oral argument should be denied.

Respectfully submitted,

GEORGE BLACK, JR.
ROBERT J. MILLER
BLACK, KENDALL, TREMAINE,
BOOTHE & HIGGINS
520 S.W. Sixth Avenue
Portland, Oregon 97204

JOHN H. PICKERING
TIMOTHY B. DYK
WILMER, CUTLER & PICKERING
900 17th Street, N.W.
Washington, D. C. 20006

Counsel for Petitioner

March 15, 1972